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U.S. War Dept.

Regulations governing the erection of fishing...

[Washington]

[1930]

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Regulations governing the erection of fishing structures in the Atlantic Ocean and adjacent waters between Chatham, Mass., and Gardiners Point, Long Island. [Washington, U.S. Govt. print off., 1930]
cover-title, 6 p. 18½cm.

407804

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TECHNICAL MICROFORM DATA

FILM SIZE: 35mm REDUCTION RATIO: 9:1 IMAGE PLACEMENT: IA (IIA) IB IIB

DATE FILMED: 5/12/97 INITIALS: TLM

TRACKING # : 24294

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REGULATIONS

GOVERNING THE ERECTION OF

FISHING STRUCTURES

IN THE ATLANTIC OCEAN AND ADJACENT WATERS BETWEEN CHATHAM, MASS., AND GARDINERS POINT, LONG ISLAND

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WAR DEPARTMENT

OFFICE OF THE CHIEF OF ENGINEERS

WASHINGTON

NOTICE

To whom it may concern:

Subject: Regulations governing the erection of fishing structures in the Atlantic Ocean and adjacent waters between Chatham, Mass., and Gardiners Point, Long Island.

The attention of those engaged and all others who propose to engage in weir, trap, and pound fishing in the waters of Fishers Island, Block Island, Vineyard and Nantucket Sounds, Gardiners, Narragansett, and Buzzards Bays, and the Atlantic Ocean and their tributary waters from Chatham, Mass., to Gardiners Point, Long Island, is called to the provisions of section 10 of the river and harbor act of March 3, 1899, as follows:

SEC. 10. That the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any * * * structures in any * * * navigable river or other waters of the United States, outside established harbor lines, or where no harbor lines have been established except on plans recommended by the Chief of Engineers and authorized by the Secretary of War. * * *

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In accordance with the above provisions of law, and until further notice, all fishermen who desire to operate in the Atlantic Ocean and adjacent waters between Chatham, Mass., and Gardiners Point, Long Island, under regulations stated as follows, but not otherwise, are hereby authorized by the Secretary of War to construct and maintain fish net stakes and traps erected in the usual manner as heretofore, subject to the following regulations:

THE REGULATIONS

1. *Definitions.*—The terms "fish trap" and/or "fishing structures" as used in these regulations shall include stub and floating traps, weirs, pounds, nets, or other equivalent contrivance or thing set on, in, or anchored to the bottom or shore used for the purpose of catching and/or impounding fish.

2. *Supervision.*—General supervision of the location, construction, and manner of maintenance of all fishing structures shall be exercised by the United States district engineer in charge of the locality in which the structure is placed.

3. *Description of fishing limits.*—(*a*) The areas within which fishing structures may be placed are shown by hatching on the maps entitled "Areas available for fish traps, Providence, R. I., engineer district, in 2 sheets, File No. F. T. 32," and "Fishpound areas in Gardiners Bay and Block Island Sound within the New London, Conn., district, File No. Ms. 74." (See also United States Coast Survey charts.)

(*b*) In the navigable parts of all tributary streams and ponds where limiting lines are not shown, no fishing structures shall be placed until a map showing the exact location proposed shall have been submitted to and approved by the district engineer.

4. *Requirements concerning the placing, marking, and maintenance of structures.*—(*a*) No traps shall be set before February 15, and all structures shall be completely removed on or before December 31 of each year. All submerged or broken-off stakes must be promptly removed by and at the expense of the owner of the fishing structure.

(*b*) Traps within the so-called "outer area" south and east of Newport, R. I. (as approved March 1, 1921, and designated on sheet 2 of the map first named above), shall not be placed or set prior to April 25 and shall be completely removed not later than July 25. Traps in this area shall be promptly removed whenever the area is wanted for artillery practice and notice to that effect is given by public advertising or in writing to the trap owners.

(*c*) If traps in the outer area are set in a continuous string or line, there shall be left between each pair of traps thus set an interval of at least 600 feet (100 fathoms) in which no trap, leader, or other obstructions may be placed.

(*d*) The name of the owner of each fishing structure shall be displayed in black letters not less than 3 inches in height upon a white background from the stake or barrel at the outer end of the structure in such position that it may readily be seen by passing vessels.

(*e*) Such lights and signals shall be displayed on each trap as the Bureau of Lighthouses, Department of Commerce, may require. The present regulations are as follows:

The lights shall be displayed between sunset and sunrise. They shall be placed at each end of the structure excepting

where the inner end terminates in such situation that there is no practical navigation between it and the high-water line of the adjacent coast, in which case no inner light shall be displayed. The outer light shall be white and the inner light shall be red. The size, capacity, and manner of maintenance of these lights shall be such as may be specified in the War Department permit authorizing the erection of the structure or appliance.

When several structures or appliances are placed in one line with no navigable passage between them, they shall be considered, for lighting purposes, as one structure.[1]

Each light shall have a capacity to burn eight days of stormy weather unattended. These lights shall be placed at an elevation not less than 10 feet above the plane of mean high water; for floating traps, 3 feet above the water. All lights shall be subject to the inspection and approval of the said district engineer. The owner of the structure will be responsible for keeping his lanterns in first-class condition and for the proper maintenance of the light during the hours above prescribed.

(*f*) Any fishing structure allowed to get into a condition of disrepair so that it can not be readily seen, or on which the name of the owner is not displayed as specified herein, or on which lights and signals are not maintained as required by the Bureau of Lighthouses, if not promptly made to conform to these regulations in all respects, will be regarded as abandoned, and the owner will be subject to prosecution.

5. *General.*—(*a*) Nothing herein provided shall be interpreted as setting aside exclusively for fisheries any area of navigable water.

[1] Regulations of Department of Commerce approved June 19, 1913.

(*b*) It is understood that this authority does not give any property rights either in real estate or material, or exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of any Federal, State, or local laws or regulations, nor does it obviate the necessity of State assent to the work authorized. It merely expresses the assent of the Federal Government as it concerns the public rights of navigation.

(*c*) If at any time it shall be made to appear to the Secretary of War that any fishing structure herein authorized causes unreasonable obstruction to the free navigation of said waters, the owner will be required, upon notice from the district engineer and within the time specified therein, to remove or alter the structure, or obstructions caused thereby, without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed. No claim shall be made against the United States on account of such removals or alterations.

6. These regulations shall take effect and be in force on and after April 15, 1930, and all regulations or parts of regulations in conflict therewith are hereby revoked to take effect on that date.

Recommended.

HERBERT DEAKYNE,
Brigadier General,
Acting Chief of Engineers.

Approved March 28, 1930.

PATRICK J. HURLEY,
Secretary of War.

NOTES

The address of the district engineer in charge of the locality within which these regulations are effective is:

The District Engineer,
U. S. Engineer Office,
419 New Federal Building,
Providence, R. I.

Sections of the map of fishing limits showing the limits for certain areas in more detail and on a larger scale may be obtained by addressing the district engineer. A charge of 25 cents is made for each sheet to cover the actual cost of the print. Payment for maps requested should accompany the application, preferably in a postal money order.

U. S. GOVERNMENT PRINTING OFFICE: 1930

MSH # 24294

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